

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1928 OF 2022

Chandrakant Abhimanyu Tonpe	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Tushar Sonawane, for the Applicant
Mr. A.A. Pakar, APP, for the State.

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CORAM : N. J. JAMADAR, J.
DATE : JULY 08, 2022

P.C.:

1. The applicant who is arraigned in C.R. No. 375 of 2022 registered with Pandharpur City police station, Solapur for an offence punishable under section 7 of Prevention of Corruption Act, 1988, has preferred this application to enlarge him on bail.

2. The applicant is posted as a Store Clerk at Sub Divisional Office, Public Works Department, Pandharpur. Navnath Patil (the first informant), holds an agricultural land bearing Gut No. 41 situated at Gaygavhan, Malhar Peth, (Karad) Highway Road runs along with the boundary of the said land. The first informant desired to commercially exploit the said land and thus applied for Non-Agricultural conversion. Since the road abuts the said land, no objection certificate of Public Works Department was required to

process the N.A. conversion application. The first informant approached the applicant and submitted an application. The applicant initially demanded a sum of Rs. 30,000/- by way of gratification other than legal remuneration. The applicant later on scaled down the demand to Rs. 15,000/-. The first informant approached Anti Corruption Bureau. On 14th June, 2022 a trap was laid. The applicant was apprehended while accepting the bribe of Rs. 15,000/- from the first informant. The applicant came to be arrested.

3. The applicant has preferred this application with the assertion that the investigation is practically complete. The alleged bribe amount has been seized. The statements of the public witnesses and the informant have been recorded. The applicant is ready and willing give his voice sample as and when directed. It is further asserted that the applicant is suffering from cancer. A copy of the certificate issued by Shri Siddheshwar Cancer Hospital & Research Centre, Solapur is annexed to the application. The Oncologist has certified that the applicant has been suffering from “Adenocarcinoma of Colon”. The applicant requires regular treatment.

4. Evidently, the applicant has allegedly been apprehend while accepting bribe. A successful trap has allegedly been laid. Investigation thus seems to be practically complete. Further detention of the applicant does not seem warranted for effective investigation. In any event, the applicant has undertaken to cooperate with the investigation.

5. The learned APP fairly submitted that the investigating agency verified that the claim of the applicant that he is suffering from Cancer is genuine. The applicant, being a public servant, appears to have roots in society. Possibility of fleeing away from justice is remote.

6. For the foregoing reasons, I am impelled to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

1] The application stands allowed.

2] The applicant Chandrakant Abhimanyu Tonpe be released on bail in connection with C.R. No. 375 of 2022 registered with Pandharpur City police station, Solapur on furnishing a P.R. Bond in

the sum of Rs. 30,000/- with one or two sureties in the like amount, to the satisfaction of learned Special Judge, Pandharpur.

3] The applicant shall co-operate with the investigation and attend Pandharpur City police station on every alternate Sunday from 10 am to 1 pm for a period of three months.

4] The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

All concerned to act on an authenticated copy of this order.

(N. J. JAMADAR, J.)